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5 Attorneys for Defendant
6 RUSSELL D. YOUNG

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 OAKLAND DIVISION

11 HENRY JENKINS,) Case No.: C05-5294-SBA
12 Plaintiff,)
13 v.)
14 RUSSELL D. YOUNG, *IN PERSONAM*,)
15 AND F/V SMEAGOL, OFFICIAL NO.)
16 583-477, ITS ENGINES, TACKLE,)
17 APPAREL, FURNITURE, ETC. , *IN REM*,)
Defendants.)

)

**ORDER DISMISSING, WITHOUT
PREJUDICE, DEFENDANT
RUSSELL D. YOUNG,
INDIVIDUALLY AND
SUBSTITUTING THE F/V
SMEAGOL, INC., AS A
DEFENDANT TO THE ACTION**

18 PURSUANT TO THE STIPULATION OF THE PARTIES SUBMITTED ON
19 APRIL 13, 2006, IT IS HEREBY ORDERED THAT:

20 (1) The defendant Russell D. Young is dismissed, without prejudice, as an
21 individual defendant and that the F/V Smeagol, Inc., be substituted in his
22 place as a defendant to this action.

23 (1) **IT IS FURTHER ORDERED THAT** the plaintiff, at his sole discretion,
24 will be entitled to further amend the Complaint naming Russell D. Young as
25 an individual defendant should he conclude in good faith that the evidence
26 warrants his including Russell D. Young as a party to the action. Any such
27 amendment shall be made, filed and served at least thirty-five (35) days prior
28 to the close of fact discovery as set by the Court, may be personally served

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1 on defense counsel and will require a responsive pleading to be filed by Mr.
2 Young within two weeks of said service.

3 (2) **IT IS FURTHER ORDERED THAT** an amended Complaint need not be
4 filed at this time and that the Complaint shall be deemed amended to
5 substitute the F/V Smeagol, Inc., as a defendant in place of Russell D. Young
6 individually. All further filings in this action shall be made with the caption
7 being *Henry Jenkins v. F/V Smeagol, Inc., in personam, and the F/V*
8 *Smeagol, Official No. 583-477, its Engines, Tackle, Apparel, Furniture, etc.,*
9 *in rem.*

10
11 **IT IS SO ORDERED.**

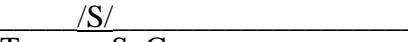
12 Dated: April 24, 2006

13 By 
14 The Honorable Saundra B. Armstrong
15 United States District Judge

16 Proposed Order Submitted by:

17 Dated: April 27, 2006

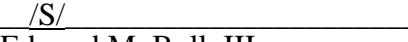
18 COX, WOOTTON, GRIFFIN,
19 HANSEN & POULOS, LLP
20 Attorneys for Defendants

21 By 
22 Terence S. Cox

23 Approved as to Form by:

24 Dated: April 27, 2006

25 BANNING, MICKLOW, BULL & LOPEZ
26 Attorneys for Plaintiff
27 HENRY JENKINS

28 By 
29 Edward M. Bull, III

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SMEAGOL.Jenkins/2351